

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ENIGMA SOFTWARE GROUP USA, LLC, :

Plaintiff,

Case No. 1:16-cv-00057 (PAE)

-against-

BLEEPING COMPUTER LLC and
DOES 1-10,

Defendants.

-----x

**NOTICE OF SETTLEMENT AGREEMENT IN PRINCIPLE AND REQUEST TO
TEMPORARILY SUSPEND LITIGATION ACTIVITIES**

Pursuant to the Parties' general obligations to the Court, Plaintiff Enigma Software Group USA, LLC and Defendant Bleeping Computer LLC (collectively, the "Parties") hereby provide notice to the Court that they have reached an agreement in principle to settle this matter that is reflected in a confidential term sheet executed by both Parties. The Parties are working diligently to draft a full settlement agreement, which the Parties have agreed in the term sheet to prepare and execute within fourteen (14) days. Upon its execution, the Parties shall file a stipulated dismissal of the action.

The Parties jointly request a brief suspension of litigation activities, to last no longer than fourteen (14) days, so that the Parties can finalize the settlement or, in the alternative, remove this action from the Court's active caseload, subject to either Party's right to reopen the action if settlement is not consummated. A court has the inherent authority to control its docket, which includes the power to stay proceedings. *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Here,

good cause exists to grant the requested suspension so the Parties may fully execute a settlement, thereby saving time, costs and judicial resources.

The undersigned attests that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized this filing.

Dated: February 2, 2017

Respectfully submitted:

/s/ Terry Budd

Terry Budd
Christopher M. Verdini
Anna Shabalov
Admitted Pro Hac Vice
K&L GATES LLP
210 Sixth Avenue
Pittsburgh, PA 15222
Telephone: 412.355.6500
Facsimile: 412.355.6501
terry.budd@klgates.com
christopher.verdini@klgates.com
anna.shabalov@klgates.com

&

Eric A. Prager
Eric R.I. Cottle
K&L GATES LLP
599 Lexington Avenue
New York, NY 10022
Telephone: 212.536.3900
Facsimile: 212.536.3901
eric.prager@klgates.com
eric.cottle@klgates.com

&

Theodore J. Angelis
Admitted Pro Hac Vice
K&L GATES LLP
925 4th Avenue, Suite 2900
Seattle, WA 98104
Telephone: 206.370.8101

Facsimile: 206.370.6006
theo.angelis@klgates.com

Attorneys for Plaintiff Enigma Software Group USA, LLC

/s/ Gregory W. Herbert

Gregory W. Herbert
GREENBERG TRAURIG, P.A.
450 South Orange Avenue, Suite 650
Orlando, FL 32801
Telephone: 407.420.1000
Facsimile: 407.841.1295
herbertg@gtlaw.com

John J. Elliott
GREENBERG TRAURIG, LLP
200 Park Avenue
New York, New York 10166
Telephone: 212.801.9200
Facsimile: 212.801.6400
elliottj@gtlaw.com

Marc J. Randazza
Admitted Pro Hac Vice
RANDAZZA LEGAL GROUP, PLLC
4035 South El Capitan Way
Las Vegas, Nevada 89147
Telephone: 702.420.2001
Facsimile: 305.437.7662
ecf@randazza.com

Jay M. Wolman
RANDAZZA LEGAL GROUP, PLLC
100 Pearl Street, 14th Floor
Hartford, CT 06103
Telephone: 702.420.2001
Facsimile: 305.437.7662
ecf@randazza.com

Attorneys for Defendant Bleeping Computer LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served this 2nd day of February, 2017, to all Parties through the Court's CM/ECF service. I further hereby certify that a copy of the foregoing has been served this 2nd day of February, 2017, by electronic mail, to:

Tyler G. Newby
Sapna Mehta
FENWICK & WEST, LLP
555 California Street, 12th Floor
San Francisco, CA 94104
Telephone: 415.875.2300
Facsimile: 415.281.1350
tnewby@fenwick.com
smehta@fenwick.com

/s/ Terry Budd
Terry Budd
terry.budd@klgates.com